

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P 27910 WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2004/007441	International filing date (<i>day/month/year</i>) 07 July 2004 (07.07.2004)	Priority date (<i>day/month/year</i>) 01 August 2003 (01.08.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ASYS AUTOMATISIERUNGSSYSTEME GMBH		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).
2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input checked="" type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application
4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 03 July 2006 (03.07.2006) Authorized officer <div style="text-align: center; font-weight: bold;">Agnes Wittmann-Regis</div> e-mail: pt06@wipo.int
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PATENT COOPERATION TREATY

Translation

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference P 27910 WO		Date of mailing (day/month/year)	
International application No. PCT/EP2004/007441		International filing date (day/month/year) 07.07.2004	
International Patent Classification (IPC) or both national classification and IPC		Priority date (day/month/year) 01.08.2003	
Applicant ASYS AUTOMATISIERUNGSSYSTEME GMBH			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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International application No. PCT/EP2004/007441

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="border-bottom: 1px solid black;">4, 8-10, 12, 18-21</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;">1-3, 5-7, 11-13, 15-17</td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	4, 8-10, 12, 18-21	YES	Claims	1-3, 5-7, 11-13, 15-17	NO
Claims	4, 8-10, 12, 18-21	YES						
Claims	1-3, 5-7, 11-13, 15-17	NO						
Inventive step (IS)		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="border-bottom: 1px solid black;"></td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;">1-21</td> <td style="text-align: right;">NO</td> </tr> </table>	Claims		YES	Claims	1-21	NO
Claims		YES						
Claims	1-21	NO						
Industrial applicability (IA)		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="border-bottom: 1px solid black;">1-21</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"></td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	1-21	YES	Claims		NO
Claims	1-21	YES						
Claims		NO						

2. Citations and explanations:

1 This opinion makes reference to the following documents:

- D1: EP 0 563 829 A (SHARP KK) 6 October 1993 (1993-10-06)
- D2: WO 02/14846 A (KLA TENCOR CORP) 21 February 2002 (2002-02-21)
- D3: US-A-5 608 453 (STRAAYER RONALD J ET AL) 4 March 1997 (1997-03-04)
- D4: WO 01/40770 A (ASPIR DORON; KRAUS MENAHEM (IL); NADIVI JACOB (IL); ORBOTECH LTD (IL)) 7 June 2001 (2001-06-07)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

2.2 Document D1 discloses (the references between parentheses relate to this document):
a method for inspecting substrates (10) provided with a predetermined pattern,
in which an actual pattern applied to a substrate by means of a printing process is optically detected (column 6, lines 25-30),
the optically detected actual pattern is compared

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

with a specified pattern and, depending on the comparison and taking permissible tolerances into consideration (column 8, lines 33-39), it is decided to which additional process the viewed substrate provided with the actual pattern is to be conveyed (column 9, lines 9-10), the optical detection of the actual pattern taking place in the form of digital data while forming an actual data set (column 8, lines 26-33), and a specified data set is formatted from control data for applying the pattern to the substrates (column 8, lines 44-52) and a data processing is carried out to the extent that the specified data set and the actual data set are compared with one another with regard to the data while taking permissible tolerances into consideration (column 8, lines 33-39).

3 INDEPENDENT CLAIM 11

3.1 The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 11 is not novel within the meaning of PCT Article 33(2).

3.2 Document D1 discloses (the references between parentheses relate to this document):
an arrangement for inspecting substrates (10) provided with a predetermined pattern with an optoelectronic device (3) for detecting an actual pattern applied to the substrate by means of a printing process,
a comparator (5) (column 8, lines 33-39), which compares the optically detected actual pattern with a specified pattern and, depending on the comparison and taking permissible tolerances into consideration, decides to which additional process the viewed

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

substrate provided with the actual pattern is to be conveyed (column 9, lines 9-10), wherein a converter (5) converts the pattern detected by the optoelectronic device into an actual data set in the form of digital data (column 8, lines 26-33), a formatter (5) formats a specified data set from control data for applying the pattern to the substrates (column 8, lines 44-52), the comparator carries out data processing to the extent that the specified data set and the actual data set are compared with one another with regard to the data while taking permissible tolerances into consideration (column 8, lines 33-39).

4 **DEPENDENT CLAIMS 2-10, 12-21**

4.1 Claims 2-10, 12-20 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step, see documents D2-D4 and the corresponding passages cited in the search report.